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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. CR11-131-MJP
11 Plaintiff,)
12)
13 v.)
14 JOHN TRAN,)
15)
16 Defendant.)
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18)
19)
20)

21 Offense charged: Conspiracy to Distribute Controlled Substances

22 Date of Detention Hearing: May 27 2011.

23 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
24 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
25 that no condition or combination of conditions which defendant can meet will reasonably
26 assure the appearance of defendant as required and the safety of other persons and the
27 community.

28 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

29 1. Defendant has been charged with a drug offense, the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
02 both dangerousness and flight risk, under 18 U.S.C. § 3142(e). The charges involve very
03 significant quantities of controlled substances and money.

04 2. The government proffers a transcription of a phone call in which defendant is
05 alleged to have discussed another individual suspected of taking money from the drug
06 trafficking organization. The government alleges that defendant and the other individual
07 recorded in the conversation discuss hiring another organization to kidnap or kill the suspected
08 thief. The government proffers that case agents were sufficiently concerned by the recorded
09 phone call that they jeopardized the investigation by warning the suspected target and his wife
10 of the potential danger.

11 3. Defendant has strong ties to this community, although his parents reside in
12 Vietnam, and siblings residing in Vietnam and Cambodia. He has a history of travel to Asia
13 and to Canada.

14 4. Taken as a whole, the record does not effectively rebut the presumption that no
15 condition or combination of conditions will reasonably assure the appearance of the defendant
16 as required and the safety of the community.

17 It is therefore ORDERED:

- 18 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
19 General for confinement in a correction facility separate, to the extent practicable, from
20 persons awaiting or serving sentences or being held in custody pending appeal;
- 21 2. Defendant shall be afforded reasonable opportunity for private consultation with
22 counsel;

3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United State Pretrial Services Officer.

DATED this 27th day of May, 2011.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge